

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

RAY A. FOX, by and through his)	
Guardian, ROSE FOX,)	
)	No. 09 CV 5453
Plaintiff,)	
)	
v.)	Chief Judge James F. Holderman
)	
DR. CONSTANTINE PETERS, <i>et al.</i> ,)	
)	
Defendants.)	JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION *IN LIMINE* NO. 9 TO BAR ARGUMENT
OR SUGGESTION THAT MILA CARLSON HAS
VIOLATED CRIMINAL LAWS OR IS A CRIMINAL**

NOW COMES Plaintiff, RAY A. FOX, by and through his Guardian, ROSE FOX, and his attorneys, LOEVY & LOEVY, and respectfully requests that this Court bar any argument or suggestion that Mila Carlson has ever broken the law. In support, Plaintiff states as follows:

Plaintiff has disclosed as an expert witness Mila Carlson, who has prepared a life-care plan for Mr. Fox and will testify about the estimated medical and non-medical needs that Mr. Fox now faces, having suffered a massive brain injury. Ms. Carlson received her doctoral degree from an unaccredited academic institution named Warren National University. During Ms. Carlson's deposition, defense counsel questioned Ms. Carlson extensively about this degree, and defense counsel will have a similar opportunity to ask questions directed at Ms. Carlson's qualifications at trial. But, after asking about Warren National University's

accreditation status at the deposition, defense counsel ask Ms. Carlson the following question:

Mr. Charysh: As you sit here today, are you aware of the fact that it's actually a crime in several states to list the fact that you have a degree from Warren if you're trying to disseminate materials in your profession?
Ms. Carlson: No.

Mia Carlson Deposition Tr. at 24 (attached as Exhibit **XX**). Defense counsel then proceeded for 10 transcript pages to ask Ms. Carlson whether, having received her degree from an unaccredited university, she was committing a criminal offense in Oregon or Texas by holding herself out as a professional. *Id.* 24-34.

That defense counsel alleges that Ms. Carlson has violated a state criminal statute is entirely inadmissible evidence in this case, even more so given that there is no evidence that Ms. Carlson has in fact violated any state criminal statute or that such a violation is even possible in the State of Illinois, where Ms. Carlson works and provides her professional services. Defense counsel should be flatly prohibited from stating, implying, or insinuating that Ms. Carlson is a criminal or has violated criminal statutes.

WHEREFORE, Plaintiff respectfully requests that this Court bar defense counsel from arguing or suggesting that Ms. Carlson has violated state criminal laws or is in any way a criminal.

RESPECTFULLY SUBMITTED,

/s/ Michael I. Kanovitz

Arthur Loevy
Michael Kanovitz
Elizabeth Wang
Steven Art
LOEVY & LOEVY
312 N. May Street
Suite 100
Chicago, Illinois 60607
(312) 243-5900